

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: J. Troy WEEKS et al.
Title: Refined Plant Transformation
Appl. No.: Unknown
Filing Date: 9/22/2003
Examiner: Unknown
Art Unit: 1645

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop PATENT APPLICATION
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document, except as noted below, is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

Additionally, Applicants submit herewith on Form PTO/SB/08 a listing of the documents cited by or submitted to the U.S. PTO in parent application Serial No. 10/392,301, filed 3/20/2003. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified parent application.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the filing date of the application.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or

even entirely missing, the Commissioner is authorized to charge the unpaid amount to
Deposit Account No. 19-0741.

Respectfully submitted,

Date 22 September 2003

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for Richard C. Peet
Attorney for Applicant
Registration No. 35,792

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: September 22, 2003 (use as many sheets as necessary)				Complete if Known		
				Application Number		Unknown
				Filing Date		9/22/2003
				First Named Inventor		J. Troy WEEKS
				Group Art Unit		1645
				Examiner Name		Unknown
Sheet	1	of	4	Attorney Docket Number		058951-0172

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	4,743,548		Crossway et al.	05/10/1988	
	A2	4,945,050		Sanford et al.	07/31/1990	
	A3	5,164,310		Smith et al.	11/17/1992	
	A4	5,284,253		Watt et al.	02/08/1994	
	A5	5,302,523		Coffee et al.	04/12/1994	
	A6	5,591,616		Hiei et al.	01/07/1997	
	A7	5,693,512		Finer et al.	12/02/1997	
	A8	5,959,187		Bailey et al.	09/28/1999	
	A9	6,018,102		Garbarino et al.	01/25/2000	
	A10	6,051,757		Barton et al.	04/18/2000	
	A11	6,054,574		Quail et al.	04/25/2000	
	A12	6,084,156		Garbabino et al.	07/04/2000	
	A13	6,132,970		Stemmer	10/17/2000	
	A14	6,143,949		Ozawa et al.	11/07/2000	
	A15	6,268,547		Weeks	07/31/2001	
	A16	6,420,547		Maiti et al.	07/06/2002	
	A17	6,448,391		Garbarino et al.	09/10/2002	
	A18	20020046415	A1	Albert et al.	04/18/2002	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A19		EP 0 672 752 A1			09/20/1995		
	A20		WO 01/94394			12/13/2001		

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ⁶
	A21	Bailey and Gribskov, "Combining evidence using p-values: application to sequence homology searches," <i>Bioinformatics</i> , vol. 14, pp. 48-54 (1998).			
	A22	Bechtold et al., "In planta Agrobacterium mediated gene transfer by infiltration of adult Arabidopsis thaliana plants," <i>Acad Sci Paris Life Sci.</i> , vol. 316, pp. 1194-1199 (1993).			

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

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		Attorney Docket Number	058951-0172

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	A23	Clough & Bent, "Floral dip: a simplified method for Agrobacterium-mediated transformation of Arabidopsis thaliana," <i>The Plant Journal</i> , vol. 16, pp. 735-743 (1998).	
	A24	Coca <i>et al.</i> , "Differential regulation of small heat-shock genes in plants: analysis of a water-stress-inducible and developmentally activated sunflower promoter," <i>Plant Molecular Biology</i> , vol. 31, pp. 863-76 (1996).	
	A25	De Buck <i>et al.</i> , "Agrobacterium tumefaciens Transformation and Cotransformation Frequencies of Arabidopsis thaliana Root Explants and Tobacco Protoplasts," <i>Mol. Plant Microbe Interact.</i> , vol. 11, pp. 449-57 (1998).	
	A26	De Neve <i>et al.</i> , "T-DNA integration patterns in co-transformed plant cells suggest that T-DNA repeats originate from co-integration of separate T-DNAs," <i>The Plant Journal</i> , vol. 11, pp. 15-29 (1997).	
	A27	During, "A plant transformation vector with a minimal T-DNA," <i>Transgenic Research</i> , vol. 3, pp. 138-140 (1994).	
	A28	Jefferson <i>et al.</i> , "GUS fusions: β -glucuronidase as a sensitive and versatile gene fusion marker in higher plants," <i>The EMBO Journal</i> , vol. 6, pp. 3901-3907 (1987).	
	A29	Kononov <i>et al.</i> , "Integration of T-DNA binary vector 'backbone' sequences into the tobacco genome: evidence for multiple complex patterns of integration," <i>The Plant Journal</i> , vol. 11, no. 5, pp. 945-957 (1997).	
	A30	Lee <i>et al.</i> , "The Arabidopsis HOS1 gene negatively regulates cold signal transduction and encodes a RING finger protein that displays cold-regulated nucleo-cytoplasmic partitioning," <i>Gene and Development</i> , vol. 15, pp. 912-924 (2001).	
	A31	Murashige & Skoog, "A Revised Medium for Rapid Growth and Bio Assays with Tobacco Tissue Cultures," <i>Physiol. Plant</i> , vol. 15, pp. 473-479 (1962)	
	A32	Mysore <i>et al.</i> , "Role of the Agrobacterium tumefaciens VirD2 Protein in T-DNA Transfer and Integration," <i>Mol. Plant Microbe Interact.</i> , vol. 11, no. 7, pp. 668-683 (1998)	
	A33	Shurvinton <i>et al.</i> , "A nuclear localization signal and the C-terminal omega sequence in the Agrobacterium tumefaciens VirD2 endonuclease are important for tumor formation," <i>Proc. Natl. Acad. Sci. U.S.A.</i> , vol. 89, pp. 11837-11841 (1992).	

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	A34	The FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS' Agricultural Services Bulletin No. 108, entitled, "PLANT TISSUE CULTURE: AN ALTERNATIVE FOR PRODUCTION OF USEFUL METABOLITE" by Masanaru Misawa of Bio International Inc., Toronto, Canada http://www.fao.org/docrep/t0831e/t0831e00.htm#con	
	A35	van Haaren et al., "Mutational analysis of the conserved domains of a T-region border repeat of Agrobacterium tumefaciens," <i>Plant Molecular Biology</i> , vol. 13, pp. 523-531 (1989).	
	A36	Waters et al., "Sequence identity in the nick regions of IncP plasmid transfer origins and T-DNA borders of Agrobacterium Ti plasmids," <i>Proc Natl Acad Sci.</i> , vol. 88, pp. 1456-60 (1991).	
	A37	Weigel et al., "Activation Tagging in Arabidopsis," <i>Plant Physiology</i> , vol. 122, pp. 1003-1013 (2000).	

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Sheet	4	of	4	Attorney Docket Number	058951-0172

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